

EXHIBIT 4

**UNITED STATES DISTRICT COURT
DISTRICT COURT OF MINNESOTA**

IN RE PORK ANTITRUST
LITIGATION

This Document Relates To:

THE DIRECT PURCHASER
PLAINTIFF ACTION

Case No. 18-cv-01776 (JRT-HB)

**DECLARATION OF SCOTT A.
WAGNER IN SUPPORT OF
DIRECT PURCHASER
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION**

I, Scott A. Wagner, declare as follows:

1. I am a Vice President for John Gross and Company, Inc. (“John Gross”), a named Plaintiff and proposed Class Representative in this class action. I make this declaration in support of Direct Purchaser Plaintiffs’ motion for class certification. I have personal knowledge of the facts stated in this declaration and, if called as a witness, I could competently testify to them.

2. I live in Dillsburg, PA and have worked for John Gross for 45 years.

3. John Gross purchased Pork, as that term is defined in the motion for class certification, from one or more of the Defendants in this lawsuit on approximately a weekly basis during the class period. The Pork John Gross purchased from Defendants during this time included fresh Pork and other Pork.

4. John Gross is seeking the Court’s appointment as a Class Representative on behalf of itself and others who purchased Pork from at least one of the Defendants during the Class Period. John Gross was appointed by this Court as a Class Representative Plaintiff for each of the two settlements with the JBS and Smithfield defendants. Since the filing of the complaint, John Gross has represented the interests of all entities who purchased Pork directly from the Defendants during the Class Period, and will continue to do so.

5. I understand that, if appointed as a Class Representative, John Gross would represent the interests of all entities who purchased Pork directly from the Defendants during the Class Period. I also understand that John Gross obligation as a Class Representative is to act in the best interests of the entire Class and to continue to assist

counsel for the Class. John Gross is fully prepared to undertake these obligations and there are no impediments to its doing so.

6. John Gross has participated fully in the litigation. John Gross has spent considerable time dedicated to this litigation. Prior to the filing of the Direct Purchaser complaint on June 29, 2018, John Gross provided information for and reviewed the complaint. John Gross has actively participated in the litigation since the filing of the complaint. Below is a summary of the types of work performed by John Gross, along with an estimate of the number of hours dedicated to those activities:

- Communicating with Interim Co-Lead Counsel regarding the progress of the litigation and necessary discovery (approximately 5 hours);
- Reviewing and approving pleadings including each complaint filed on behalf of John Gross in this litigation (approximately 4 hours);
- Reviewing and responding to written discovery including interrogatories, requests for production of documents, and requests for admissions (approximately 2 hours);
- Searching for, collecting, preserving, and producing documents (approximately 16 hours);
- Reviewing and approving the two settlements to date, with the JBS and Smithfield defendants (approximately 2 hours); and

7. In total I estimate the John Gross has spent 29 hours working on this case to date. John Gross had to divert resources from other business matters in order to complete this process and compensated its employees during the times that they were working on issues relating to the litigation.

8. It is my understanding that this action could not have been prosecuted and filed, and the class settlements would not have been obtained, without a class

representative. In choosing to sign up and bring this case as a class representative John Gross considered the risks associated with bringing this lawsuit against the Pork producers who are key suppliers for John Gross.

9. John Gross believes that Lockridge Grindal Nauen P.L.L.P. and Pearson, Simon & Warshaw, LLP are qualified and well-suited for appointment as Class Counsel and fully supports this request.

10. John Gross respectfully requests that this Court grant the Direct Purchaser Plaintiffs' Motion for Class Certification and appoint it as a representative of the Direct Purchaser Plaintiff Class and Lockridge Grindal Nauen P.L.L.P. and Pearson, Simon & Warshaw, LLP as Class Counsel.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this ²⁵____ day of April, 2022, at Mechanicsburg, PA.

DocuSigned by:

/s/ 57006E1D91BB437...
Scott A. Wagner
John Gross and Company, Inc.